

ORDINANCE NO. 1558

=====

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 13.16
RELATING TO RESIDENTIAL SOLID WASTE COLLECTION MONTHLY RATES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - as it
relates to residential solid waste collection monthly rates is hereby
amended to read as follows:

Monthly rates.

A. The monthly rates to be charged for garbage collection service
shall be as follows:

1. For any private dwelling house or residence, the rate for one
weekly garbage collection shall be:

a. For the first waste cart provided by the contractor of
thirty-eight gallons and not to exceed sixty pounds, twelve
dollars and eighty three cents (\$12.83);

b. For two waste carts provided by the contractor of
thirty-eight gallons and not to exceed sixty pounds each, thirty
two dollars and eight cents (\$32.08);

c. For three waste carts provided by the contractor of
thirty-eight gallons and not to exceed sixty pounds each, fifty
one dollars and thirty-two cents (\$51.32).

2. Owners or occupants of flats, apartments, mobile home spaces
or the tenants or lessees thereof shall pay an amount equal to twelve
dollars and eighty-three cents (\$12.83) times the number of apartment

units or mobile home spaces owned. Bin service requested shall be charged according to the Commercial Rate structure, but in no event shall the City bill the tenants more than the single cart rate.

3. For any residence requesting "backyard service" for the collection of their waste cart(s), there shall be an additional rate of ten dollars (\$10.00) per month, unless the residence is granted an exemption from the rate by the Citizen's Advisory Board.

4. For any residence requesting a commingled recyclables cart(s) and/or a yard/garden waste cart(s), sufficient to meet its waste diversion needs, there shall be no additional charge.

B. All of the rate schedules set forth in this section shall be effective on all bills which are prepared on or after November 1, 1992.

The above rates reflect the first in a series of rate adjustments. A second adjustment may be effective on all bills which are prepared on or after April 1, 1993.

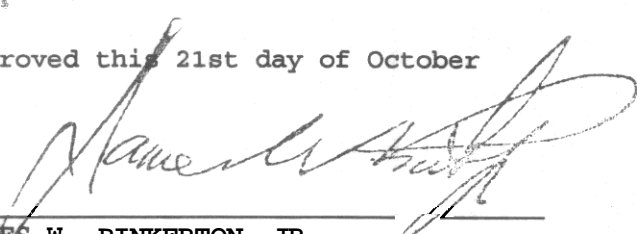
SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency ordinance under Government Code Section 36934, and is based on health, safety and welfare considerations arising from the need to collect appropriate fees for waste removal.

SECTION 4. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed

and published in the City of Lodi and shall be in force and take effect immediately

Approved this 21st day of October


JAMES W. PINKERTON, JR.
MAYOR

Attest:



ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss

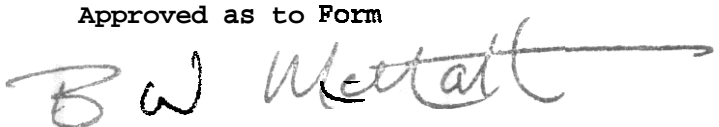
I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1558 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held October 21, 1992, and was thereafter passed, adopted and ordered to print by the following vote:

| | |
|----------|----------------------------------------------------------------------|
| Ayes: | Council Members - Hinchman, Pennino, Snider and Pinkerton (Mayor) |
| Noes: | Council Members - Sieglock |
| Absent : | Council Members - None |
| Abstain: | Council Members - None |

I further certify that Ordinance No. 1558 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form


BOBBY W. MCNATT
City Attorney

ORD1558/TXTA.02J

completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was November 24, 1992, and the actual completion date was November 13, 1992. The final contract price was \$6,781.37. The difference between the contract amount and the final contract price is mainly due to minor differences between the bid item quantities and the actual construction quantities.

ACCEPTANCE OF IMPROVEMENTS UNDER LANE
LINE PAINTING, VARIOUS STREETS, 1992

cc-90 The City Council accepted the improvements for "Lane Line Painting, various City Streets, 1992" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

The contract was awarded to Traffic Limited, Lodi on October 21, 1992, in the amount of \$18,788.34. The contract has been completed in substantial conformance with the specifications approved by the City Council on September 16, 1992.

The contract completion date was November 30, 1992.

FINDINGS FOR EXEMPTION UNDER PUBLIC
RESOURCES CODE

CC-6 The City Council was advised that on October 21, 1992, the
CC-22(b) City Council adopted rates for residential and commercial
CC-56 solid waste collection in the City of Lodi. It has been
called to staff's attention that findings should have been
included in the record of this proceeding claiming an
exemption under Section 21080(b) of the Public Resources
Code. Section 21080(a) indicates that preparation of
environmental impact reports apply to discretionary
projects proposed to be carried out or approved by public
agencies. Section 21080(b) states, "This division shall
not apply to the following: (8) The establishment,
modification, structuring, restructuring, or approval of
rates, tolls, fares, or other charges by public agencies .
. . . To claim this exemption, the City has prepared
findings stating the basis for the claim.

(This agenda item was removed from the Consent Calendar and discussed and acted upon another segment of the agenda.)

Following discussion on motion of Council Member Snider, Mann second, the City Council adopted the following findings to be incorporated in the record of proceedings at its October 21, 1992 meeting:

The City Council of the City of Lodi hereby finds and declares pursuant to Public Resources Code Section 21080 that the refuse collection rates established in Ordinances 1558 and 1559 are necessary and reasonable for the usual operating expenses of the Franchisee, including employee wages and benefits and for the purpose of purchasing facilities, equipment, and materials necessary to implement and carry out a Council-mandated recycling program.

Mayor Pro Tempore Sieglock asked that the record show that he was not compromising his position as reflected on his vote on the adoption of Ordinance No. 1558 and 1559 in voting in favor of this matter.

RESOLUTION AMENDING REORGANIZATION
RESOLUTION NOS. 91-207, 92-16 and 92-54
(TOWNE RANCH, ROBERT BATCH AND CENTURY
MEADOWS) INDICATING THAT THE CITY OF
LODI DOES NOT SUCCEED TO THE WILLIAMSON
ACT CONTRACT ADOPTED

RESOLUTION NO. 92-192

CC-6 The City Council was advised that at the time the present
CC-8 (a) or past owners of the Towne Ranch, Robert Batch and Century
CC-300 Meadows Unit No. 3 projects applied for a Williamson Act
 contract with San Joaquin County, the City of Lodi
 protested the contract. By protesting the contract, it
 becomes cancelled upon annexation and the property owner
 pays no penalties.

A Williamson Act contract affords the agricultural property owner a property tax savings on the agricultural portion of the property. The contract is for ten years and self-renews annually until the owner indicates he does not wish to renew. If the contract is cancelled during its life, the property owner must pay penalties.

Although the City's protests of the contracts are of record, two title companies feel our Resolution of Reorganization (i.e. annexation) should indicate that the City does not succeed to the Williamson Act contract.

It should be noted that Jerry Scott, Executive Officer, San Joaquin Local Agency Formation Commission, indicates that the County Assessor has already cancelled the contract in conformance with law.

(This item was removed from the Consent Calendar and discussed and acted upon under another segment of the agenda.)

On motion of Council Member Davenport, Sieglock second, the City Council adopted Resolution No. 92-192 entitled, "A